



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle", is positioned above the judge's name.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.
3 7266] (the “Objection”); with appropriate notice of the Objection having been given; no
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained; and
- 7 2. The claims listed in **Exhibit A** are disallowed in full.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-00363	Feldman, Benjamin	1 St Marys Ct Rancho Mirage, CA 92270	23,236.98	-	23,236.98
10725-00640	Johnson, Marilyn & Ronald	1010 Larue Ave Reno, NV 89509	38,012.00	-	38,012.00
10725-00683	Sipiorski, Dennis & Donna	1312 Jackie Ln Minden, NV 89423-9070	12,951.80	-	12,951.80
10725-00760	Ayers, C Donald	Po Box 605 Islamorada, FL 33036-0605	12,951.80	-	12,951.80
10725-00798	Marcia J Knox Living Trust Dtd 8/16/04	C/O Marcia J Knox Trustee 1885 Vintners Pl Reno, NV 89509-8334	27,916.09	-	27,916.09
10725-01042	Donald P Clark Family Trust Dated 10/25/94	305 W Moana LN Reno, NV 89509	74,011.56	-	74,011.56
10725-01159	Evans, Richard	7143 Via Solana San Jose, CA 95135	37,000.00	-	37,000.00
10725-01526	Richard Thurmond Ltd Partnership	749 Willow Ave Henderson, NV 89015	68,826.00	-	68,826.00
10725-01534	Fine, Lewis H & Arlene J	Po Box 487 Oakley, UT 84055-0487	40,089.59	-	40,089.59
10725-01637	Marcia J Knox Living Trust Dtd 8/16/04	C/O Marcia J Knox Trustee 1885 Vintners Pl Reno, NV 89509	75,539.24	-	75,539.24

EXHIBIT A